



The State of New Hampshire  
*Department of Environmental Services*



Michael P. Nolin  
Commissioner

March 28, 2006

The Honorable Norman R. Major, Chairman  
House Ways and Means Committee  
Room 202; LOB  
Concord, New Hampshire 03301

**RE: SB 371, relative to the continuation of certain wetland fees**

Dear Representative Major:

Thank you for the opportunity to comment on Senate Bill 371 (SB 371) as amended, that extends the current fee for wetlands dredge and fill applications until July 1, 2010. The department supports this bill.

In 2003 the legislature authorized an increase in the wetland dredge and fill application fee with the justification that the increased revenue would allow the bureau to support full staffing levels. This full staffing level is necessary to assure reasonable and timely decision-making relative to applications. The wetlands program is supported through a combination of funding sources. Approximately 50% of the program funding comes from application fees and fines with the remainder derived about evenly from general funds and federal funds.

SB 371 is necessary to maintain current revenue levels to retain the existing fee-funded permitting positions and thereby continue to maintain a full compliment of permitting staff. Accordingly, review times will once again be shortened. Failure to pass this legislation will lead to decreasing revenues from fees leading to staff reductions including the three fee-funded permitting positions. The result will be longer time frames for application review and permit issuance. Ultimately, this could also mean projects will begin construction without any permitting or regulatory oversight, as allowed by statute, if the mandatory timeframes are not met.

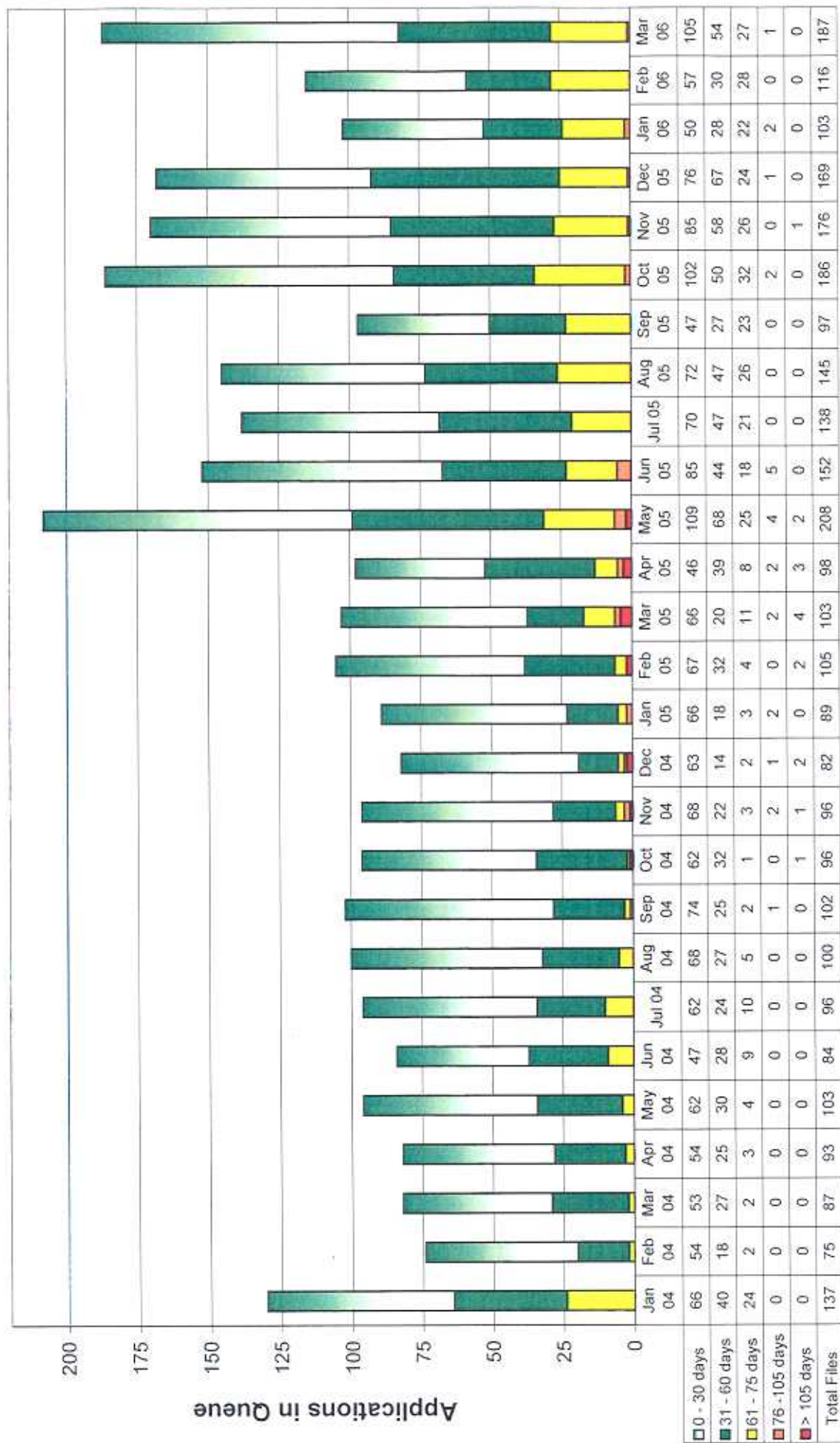
Figure 1 shows the wetlands bureau application review queue for the two-year period from January 2004 to December 2005. For this period, the bureau consistently completed its reviews within the statutory time frames, even during periods of incoming peak applications. Note that all applications that were in-house greater than 105 days were Department of Transportation (DOT) major projects where permitting was delayed under prior agreement with DOT while additional design occurred or other DOT priorities were addressed. While our performance met the statutory standards for this two-year period, we believe there is still room for improvement because we only were able to ramp back up to full staff in September 2005. The wetlands bureau has nine staff members dedicated to application review and permitting. In 2004, then Governor Benson implemented a hiring freeze on all general funded positions for the 2004/2005 biennium. During the hiring freeze, the bureau had three general funded permitting positions vacated. Due to these vacancies, the bureau had to reallocate the workload to other staff in order to meet the statutory timeframes required by RSA 428-A. As a result, review times increased, although still within the limits prescribed by law. These three positions have been refilled as of September 2005 so we are now at full staff. Consequently, we expect to further improve permit application permit times in the future.

Thank you for your consideration. If you have any questions or need additional information, please contact Collis Adams at 271-4054 or me at 271-2958.

Sincerely,  
  
Michael P. Nolin  
Commissioner

cc: Senators Green, D'Allesandro, and Gallus  
Representative Spang

Figure 1  
DES Wetlands Bureau, Permit Application  
Review Queue Age, by Month (January 2004 - March 2006)



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